



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2457 FAX (603) 271-7894



Ms. Ely Osborne, Manager
Osborne's Agway
258 Sheep Davis Road
Concord, NH 03301

LETTER OF DEFICIENCY
WMB-CLP-2003-2
May 22, 2003

Dear Ms. Osborne:

The Department of Environmental Services, Water Division ("DES") is required by RSA 487:17, II to prevent the introduction and further dispersal of exotic aquatic weeds and to manage or control exotic aquatic weed infestations in the surface waters of the state. Specifically, RSA 487:16-a (enacted January 1, 1998) states that "*No exotic aquatic weeds shall be offered for sale, distributed, sold, imported, purchased, propagated, transported, or introduced in the state.*" To implement this program, DES has adopted administrative rules Env-Ws 1303 that identify the fourteen prohibited exotic aquatic plants in New Hampshire.

On May 17, 2003, personnel from the Department of Environmental Services, Water Division (NHDES) conducted an inspection of merchandise that you offered for sale in your store, Osborne's Agway, in Concord, New Hampshire. The purpose of this inspection was to determine compliance with RSA 487:16-a, the Exotic Aquatic Weed Prohibition.

During the site inspection the following deficiency was noted:

Egeria densa, commonly referred to as Brazilian Elodea or *Anacharis*, was being offered for sale.

Compliance with the cited deficiencies can be achieved by immediately destroying all plants of these species from each aquarium and pond display on the property. Appropriate means of disposal include burning, land filling, disposing in a trash container, desiccating, and composting, if applied away from any surface waters.

A report outlining how compliance will be achieved with the above cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. In the event that appropriate actions are not taken, DES may order you to take remedial measures as may be necessary. Failure to comply with such order may result in enforcement action by DES under RSA 487:7. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.

Enclosed, for your information, are fact sheets detailing the legislation, and a list of prohibited exotic aquatic plants. If you have any questions, please contact Amy Smagula at (603) 271-2248 or asmagula@des.state.nh.us.

Sincerely,

COPY

Jody Connor

Limnology Center Director

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Enclosures

cc: Mark Harbaugh, Enforcement Attorney, DES ✓
Amy Smagula, Exotic Species Program-NHDES